

02/28/02  
31044 U.S. PTO

03-04-a

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Patent  
Attorney Docket: 256/248

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 256/248  
First Named Inventor: KOHR, William J.  
Prior Application Information:  
Serial No. 09/650,319  
Examiner: T. McGuthry Banks  
Art Unit: 1742

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

31044 U.S. PTO  
10/086647  
02/28/02

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/650,319 filed on August 29, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/212,579, filed on December 14, 1998, by

William J. Kohr, Vandy Shrader, and Chris Johansson, entitled:

HIGH TEMPERATURE HEAP BIOLEACHING PROCESS

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

59 Page(s) of Written Description  
9 Page(s) of Claims  
1 Page(s) of Abstract  
9 Sheet(s) of Drawings ☒ formal ☐ informal  
2 Page(s) of ☐ Declaration or ☒ Declaration and Power of Attorney  
☒ Copy from prior application [37 CFR §1.63(d)]  
☐ Newly executed

Other:

LA228829.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL 740478036 US  
Express Mail Label No.

February 28, 2002  
Date of Deposit

Dora Demers

Name of Person Mailing Paper

*Dora Demers*  
Signature of Person Mailing Paper

- ☒ The present application is owned by GeoBiotics, LLC. A copy of the Assignment from the inventors to Geobiotics, Inc. recorded on December 26, 2000 at Reel 011386, Frame 0964 to 0968 against parent application Serial No. 09/650,318, filed August 29, 2000 is enclosed. Also enclosed is a copy of a Certificate of Merger from the Secretary of State for the State of Delaware certifying that Geobiotics, Inc. merged with and into GeoBiotics, LLC and which was recorded on July 23, 2001, at Reel 012002, Frame 0001 to 0005 against parent application Serial No. 09/650,319.
- ☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
- ☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

## II. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>							\$740.00
Total Claims	39	-	20	=	19	x \$18.00	\$342.00
Independent Claims	2	-	3	=	0	x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)				<input checked="" type="checkbox"/>	\$280.00
<b>TOTAL OF ABOVE CALCULATIONS</b>							\$1,362.00
Reduction by ½ for Filing by Small Entity.							<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
<b>TOTAL FEES DUE HERewith</b>							\$1,362.00

## III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

## IV. AMENDMENTS

- ☐ Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- ☒ The present application is a continuation of U.S. Patent Application Serial No. 09/650,319, filed August 29, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/212,579, filed December 14, 1998, now U.S. Patent No. 6,110,253.
- ☒ Relate back information included in preliminary amendment or specification.
- ☐ Please amend the specification as follows:  
[Enter continuing data here]
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

**VI. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☐ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \_\_\_\_\_.
- ☒ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☐ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☐ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- ☐ The power appears in the original papers in the prior application.
- ☒ The power does not appear in the original papers, but was filed on December 26, 2000 in prior application Serial No. 09/650,319. A copy of which is enclosed.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to David A. Randall, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

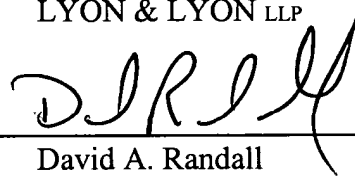
- ☒ A petition, fee and response has been filed to extend the term in the pending **prior** application until February 28, 2002. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP



By: \_\_\_\_\_  
David A. Randall  
Reg. No. 37,217

Dated: February 28, 2002

Enclosures

GEOBIOTICS, LLC

Name of Assignee

12211 West Alameda Parkway, Suite 101, Lakewood, Colorado 80228

Address of Assignee

Desmond P. Kearns

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on December 26, 2000, Reel 011386, Frame 0964

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

William J. KOHR, et al.

Serial No.: 09/650,319

Filed: August 29, 2000

For: HIGH TEMPERATURE HEAP  
BIOLEACHING PROCESS

Group Art Unit: 1742

Examiner: T. McGuthry Banks

REQUEST FOR EXTENSION OF TIME

Box AMENDMENT FEE  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
2 months	<input type="checkbox"/> \$200.00	<input type="checkbox"/> \$400.00
3 months	<input type="checkbox"/> \$460.00	<input checked="" type="checkbox"/> \$920.00
4 months	<input type="checkbox"/> \$720.00	<input type="checkbox"/> \$1,440.00
5 months	<input type="checkbox"/> \$980.00	<input type="checkbox"/> \$1,960.00

Fee: \$920.00

LA228944.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office-To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL 740477614 US  
Express Mail Label No.

February 28, 2002  
Date of Deposit

Dora Demers

Name of Person Mailing Paper

*Dora Demers*

Signature of Person Mailing Paper

- ☒ If an additional extension of time is required, please consider this a petition therefor.
- ☒ A check in the amount of \$920.00 is enclosed to cover the above fee(s).
- ☐ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \_\_\_\_\_.
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 12-2475.

An Office Action was mailed in the above-identified application on August 29, 2001. This extension of time request is filed to enable the filing of a Continuation Application of the above-identified application.

Please direct all telephone calls to David A. Randall at (213) 489-1600.

Respectfully submitted,

LYON & LYON LLP

By: 

David A. Randall  
Reg. No. 37,217

Dated: February 28, 2002

633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600